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FILED
DISTRICT COURT OF GUAM

NOV - 9 2007

JEANNE G. QUINADA
Clerk of Court

IN THE UNITED STATES DISTRICT COURT
FOR THE TERRITORY OF GUAM

UNITED STATES OF AMERICA,)	CRIMINAL CASE NO. 07-00088
)	
Plaintiff,)	
)	
vs.)	<u>PLEA AGREEMENT</u>
)	
BRYAN PAUL REYES,)	
Defendant.)	

Pursuant to Rule 11(c)(1)(A), the United States and the defendant, BRYAN PAUL REYES, enter into the following plea agreement:

1. The defendant, BRYAN PAUL REYES, agrees to plead guilty to Count I of the Indictment charging him with Theft of Government Property, in violation of 18 United States Code, Sections 641.

2. The defendant understands that the maximum sentence of Count I of the Indictment, Theft of Government Property in an amount greater than \$1,000.00, in violation of 18 U.S.C. § 641, as a Class C felony as specified in 18 U.S.C. § 3559, is imprisonment for not more than ten years and a maximum fine of \$250,000.00 as specified in 18 U.S.C. § 3571, together with any restitution as the court may order, and a \$100 special assessment fee as set forth in 18 U.S.C. § 3013. Any sentence of incarceration may include a term of supervised release of not more than three years as set forth in 18 U.S.C. § 3583(b)(2). If the court revokes a sentence of supervised

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1 release, the court may incarcerate the Defendant up to an additional term of not more than two
2 years as set forth in 18 U.S.C. § 3583(e)(3). The total \$100 special assessment fee must be paid
3 upon sentencing.

4 3. If the defendant is financially unable to immediately pay the fine in full, defendant
5 agrees to make a full disclosure of his financial status to the United States Attorney's Office by
6 completing a Financial Disclosure Form (OBD-500) for purpose of fixing a monthly payment
7 schedule. Defendant understands that, by law, interest accrues on any remaining balance of the
8 debt.

9 4. The defendant understands that to establish a violation of Count I, Theft of
10 Government Property, in violation of 18 United States Code, Sections 641, the government must
11 prove each of the following elements beyond a reasonable doubt:

12 First, that the defendant knowingly and willingly stole property with the intention of
13 depriving the owner of the use or benefit of the property;

14 Second, the property belonged to the United States; and

15 Third, the value of the property was more than \$1000.

16 5. The defendant understands that the Sentencing Guidelines are advisory only. The
17 Court may still utilize the sentencing guidelines as an aid to determine the sentence to be
18 imposed. The government and the Defendant stipulate to the following facts for purposes of the
19 sentencing:

20 a. The defendant was born in 1986, and is a citizen of the United States.

21 b. That beginning on or about April 2007 and continuing up to on or about July 25th,
22 2007, in the District of Guam, the defendant, BRYAN PAUL REYES, willfully and knowingly,
23 did steal and purloin United States property from the Navy Exchange, Guam. That the
24 defendant, BRYAN PAUL REYES, knowingly and willingly stole the property with the intention
25 of depriving the owner of the use or benefit of the property. That property from the Navy
26 Exchange, Guam, is property of the United States. That the total value of the property stolen and
27 purloined from the Navy Exchange, Guam, was of the value of \$2,600.00. That the property from
28 the Navy Exchange, Guam, had come into the possession of the defendant, BRYAN PAUL

1 REYES, by virtue of his employment at the Navy Exchange, Guam.

2 6. The defendant understands that notwithstanding any agreement of the parties, the
3 United States Probation Office will make an independent application of the Sentencing
4 Guidelines or determine an appropriate sentencing range. The defendant acknowledges that
5 should there be discrepancies in the final Sentencing Guidelines or sentencing range, projected
6 by his counsel or any other person, such discrepancy is not a basis to withdraw his guilty plea.

7 7. The defendant agrees to be liable for restitution in the amount of \$2,600.00 to the
8 Navy Exchange in Guam.

9 8. The defendant agrees to waive any right to appeal or to collaterally attack his
10 conviction. The defendant reserves the right to appeal the sentence actually imposed in his case.

11 9. The defendant acknowledges that he has been advised of his rights as set forth below
12 prior to entering into his plea agreement. Specifically, defendant has been fully advised of, has
13 had sufficient opportunity to reflect upon, and understands the following:

14 a. The nature and elements of the charge and the mandatory minimum penalty provided
15 by law, if any, and the maximum possible penalty provided by law;

16 b. His right to be represented by an attorney;

17 c. His right to plead not guilty and the right to be tried by a jury and at that trial, the right
18 to be represented by counsel, the right to confront and cross-examine witnesses against him, and
19 the right not to be compelled to incriminate himself, that is, the right not to testify;

20 d. That if he pleads guilty, there will not be a further trial of any kind on the charges to
21 which such plea is entered so that by entering into his plea agreement, he waives, that is, gives
22 up, the right to a trial;

23 e. That, upon entry of a plea of guilty, or thereafter, the Court may ask him questions
24 about the offenses to which he has pled, under oath, and that if he answers these questions under
25 oath, on the record, his answers may later be used against him in prosecution for perjury or false
26 statement if an answer is untrue;

27 f. That he agrees that the plea agreement is voluntary and not a result of any force, threats
28 or promises apart from the plea agreement;

1 g. That he reads, writes and speaks the English language and has no need for an
2 interpreter;

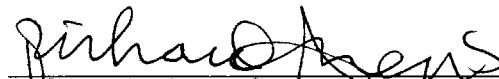
3 h. That he has read the plea agreement and understands it; and

4 i. The Defendant is satisfied with the representation of his lawyer and feels that his
5 lawyer has done everything possible for his defense.

6
7 DATED: 11-9-07



BRYAN PAUL REYES
Defendant

8
9 DATED: 11/9/07



RICHARD ARENS
Attorney for Defendant

11
12 LEONARDO M. RAPADAS
13 United States Attorney
Districts of Guam and NMI

14 DATED: 11/9/07

15 By: 
WILLIAM G. PARKER
16 Special Assistant U.S. Attorney

17 DATED: 11/9/07

18 By: 
JEFFREY J. STRAND
19 First Assistant U.S. Attorney